



FOREIGN AFFAIRS MANUAL

VOLUME 9 – Visas

Transmittal Letter: VISA-191

Date: May 7, 1999

40.67 NOTES; 42.32(d)(2) NOTES; 42.33 NOTES; AND 42.62 PROCEDURAL NOTES

MAJOR CHANGES

1. **40.67 Notes:** These notes are new. Section 346 of Pub. L. 104-208 makes inadmissible aliens who violate the provisions of INA 214(l). This legislation was intended to prevent F-1 students from being educated at public expense.

2. **42.32(d)(2) Notes:** N2.2 is amended to refer readers to notes specifying the type of supporting evidence to be submitted. N4.1 expands the definition of “employee”. N9 Sec. 201 of Pub. L. 103-416 extended special immigrant status to employees of the American Institute in Taiwan (AIT). A new N10 on derivative status for accompanying and following-to-join spouses and children has been added.

3. **42.33 Notes:** The notes have been updated to reflect changes for DV-99. N6.8 is amended. The National Visa Center (NVC) will disqualify entries of registrants who list their spouses and child(ren) on the Form OF-230, if not listed on their original entry. N7.3 is amended to require posts to refer to the document, “Foreign Education Credentials Required for Consideration of Admission to Universities and Colleges in the United States” when evaluating whether an alien meets the education requirements. N10.3 is added cautioning posts to process DV cases to completion rather than allowing applicants to withdraw applications.

4. **42.62 Procedural Notes:** PN3.2 is expanded to clarify that the NVC does not do namechecks on derivative beneficiaries if the names have not been provided on the petition. In PN3.6, information on the validity of namechecks has been added.

5. Revisions since the last update appear in italics. The italics will be removed the next time the section is updated. Only the current changes will appear in italics. Italics provide the historical record of changes.

6. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity [see 2 FAM 1115.2].

FILING INSTRUCTIONS

1. Insert the new 40.67 Notes (4 pages) after 40.67 Regs/Statutes.
2. Remove and destroy 42.32(d)(2) Notes (TL:VISA-83; 8-13-93 – 7 pages) and insert the revised identically numbered section.
3. Remove and destroy 42.33 Notes (TL:VISA-185; 02-26-1999 – 10 pages) and insert the revised identically numbered section.
4. Remove and destroy 42.62 Procedural Notes (TL:VISA-162; 2-24-97 – 7 pages) and insert the revised identically numbered section.
5. After inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, fill in the entry line for TL:VISA-191, and initial.

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(CA/VO/L/R)